

REMARKS

In the Office Action¹, the Examiner rejected claims 1, 2, 4-7, and 9 under 35 U.S.C. § 112, second paragraph; and rejected claims 1, 2, 4-7, and 9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication App. No. 2002/0078447 to Mizutome et al. ("*Mizutome*").

Applicant proposes to amend claims 1, 4-6, and 9 and cancel claims 2 and 7. Upon entry of this amendment, claims 1, 4-6, and 9 will remain pending.

Applicant respectfully traverses the rejection of claims 1, 2, 4-7, and 9 under 35 U.S.C. § 112, second paragraph. Applicant has canceled claims 2 and 7, rendering the rejection moot. Applicant has amended claims 1, 4-6, and 9 to provide greater clarity.

Contrary to the Examiner's statement regarding the means plus function elements in claims 1 and 5, the "first selecting means" and "second selecting means" recited in claims 1 and 5 perform a specified function. For example, the "first selecting means" selects "a screen layout from a plurality of screen layout options that are consecutively displayed." In addition, the "second selecting means" selects "a first constitutive element displayed within a first constitutive element selection area of the new image and a second constitutive element displayed within a second constitutive element selection area of the new image." Claims 1 and 5 therefore meet the requirements of 35 U.S.C. § 112, sixth paragraph.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Applicant requests that the Examiner withdraw the rejection of claims 1, 4-6, and 9 under 35 U.S.C. § 112, second paragraph.

Applicant respectfully traverses the rejection of claims 1, 2, 4-7, and 9 under 35 U.S.C. § 102(e) as being anticipated by *Mizutome*.

Claim 1 recites an electronic apparatus comprising:

...
a first selection means for selecting a screen layout from a plurality of screen layout options that are consecutively displayed;

a generation means for generating a new image including the selected screen layout; and

a second selection means for selecting a first constitutive element displayed within a first constitutive element selection area of the new image and a second constitutive element displayed within a second constitutive element selection area of the new image, wherein

the second constitutive element selection area displays more than one source of information, and the generation means generates the program.

(emphasis added). *Mizutome* does not disclose the claimed “second selection means” and “second constitutive element selection area.”

Mizutome discloses a data processing apparatus “for displaying or outputting information regarding a video, audio, and so on” (paragraph 0012). Fig. 13-17C of *Mizutome* depict screen layouts. In *Mizutome*, “the user selects a preferred screen layout among several types of preset screen layouts, and selects it by pushing a determination key 210” (paragraph 0081).

Figs. 16-18 of *Mizutome* disclose screens with multiple areas and displays. Even assuming that *Mizutome* discloses “a plurality of screen layout options that are consecutively displayed,” which Applicant does not concede, claim 1 requires “a second

selection means for selecting a first constitutive element displayed within a first constitutive element selection area of the new image and a second constitutive element displayed within a second constitutive element selection area of the new image.”

As depicted in Figs. 18A-18D of *Mizutome*, a user may input a command for the display of news or weather. However, *Mizutome* does not select 1) “a first constitutive element displayed within the first constitutive element selection area” and 2) “a second constitutive element displayed within the second constitutive element selection area.” In addition, any “constitutive element selection area” that may exist in *Mizutome* does not display “more than one source of information,” as further recited in claim 1.

Therefore, *Mizutome* does not teach or suggest “a second selection means for selecting a first constitutive element displayed within a first constitutive element selection area of the new image and a second constitutive element displayed within a second constitutive element selection area of the new image,” and “wherein the second constitutive element selection area displays more than one source of information,” as recited in claim 1.

Mizutome fails to anticipate claim 1, and claim 1 is allowable. Claim 4 is also allowable at least due to its depending from claim 1. Independent claims 5, 6, and 9 are allowable over *Mizutome* for at least the same reasons discussed above in regard to claim 1.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1, 4-6, and 9 in condition for allowance. This Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of the application and withdrawal of the rejections. Pending claims 1, 4-6, and 9 are in condition for allowance, and Applicant requests a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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